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UNITED STATES DEPARTMENT OF AGRICULTURE  
U. S. SOIL CONSERVATION SERVICE  
Washington, D. C.

FIELD MEMORANDUM SCS #728

Re: Legislation administered by  
the Soil Conservation Service.

November 9, 1938.

TO ALL RANKING FIELD OFFICERS:

There is attached a digest of the Federal legislation which the Soil Conservation Service is authorized to administer. This includes the pertinent provisions of The Bankhead-Jones Farm Tenant Act; The Cooperative Farm Forestry Act; The Flood Control Act and amendments; The Soil Conservation Service Act; The Water Facilities Act, and language in which the regular appropriations were made available for the fiscal year 1939.

*D. S. Myer*  
D. S. Myer,  
Assistant Chief.

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U. S. Department of Agriculture  
Washington, D. C.



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## COOPERATIVE FARM FORESTRY ACT OF MAY 18, 1937

An Act to authorize cooperation in the development of farm forestry in the States and Territories, and for other purposes. Public No. 95 - 75th Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid agriculture, increase farm-forest income, conserve water resources, increase employment, and in other ways advance the general welfare and improve living conditions on farms through reforestation in the various States and Territories, the Secretary of Agriculture is authorized in cooperation with the land-grant colleges and universities and State forestry agencies, each within its respective field of activities, according to the statutes, if any, of the respective States, wherever such agencies can and will cooperate, or in default of such cooperation to act directly, to produce or procure and distribute forest trees and shrub planting stock; to make necessary investigations; to advise farmers regarding the establishment, protection, and management of farm forests and forest and shrub plantations and the harvesting, utilization, and marketing of the products thereof; and to enter into cooperative agreements for the establishment, protection, and care of farm- or other forest-land tree and shrub plantings within such States and Territories; and, whenever suitable Government-owned lands are not available, to lease, purchase, or accept donations of land and develop nursery sites for the production of such forest planting stock as is needed to effectuate the purposes of this Act, but not including ornamental or other stock for landscape plantings commonly grown by established commercial nurserymen, and no stock grown in Government and cooperating nurseries shall be allowed to enter regular trade channels. No cooperative reforestation or afforestation shall be undertaken pursuant to this Act unless the cooperator makes available without charge the land to be planted. There is hereby authorized to be appropriated annually not to exceed \$2,500,000 for carrying out the purposes of this Act. This Act shall be known as the Cooperative Farm Forestry Act.

Approved, May 18, 1937.

Annotations Concerning the Cooperative Farm Forestry Act

There has been no money appropriated by Congress and, therefore, no work has been directly authorized. The Act supplements to some extent Sections 4 and 5 of the Clarke-McNary law for each one of which a \$100,000 authorization is fixed as the limit of annual appropriations. Section 4 provides for Federal aid in growing and distributing nursery stock for farm planting. Section 5 has been interpreted as the authority for extension forestry.





The Cooperative Farm Forestry Act authorizes, in addition to the same classes of work provided for in Sections 4 and 5 of the Clarke-McNary Act, investigations and direct aid to farmers in planting and woodland management.

The Prairie States Forestry Project was included, according to previous interpretations, in the authorization of the Cooperative Farm Forestry Act, but it has so far been financed entirely from emergency funds.

PERTINENT PROVISIONS OF THE FLOOD CONTROL ACT  
OF JUNE 22, 1936

An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, approved June 22, 1936 - Public No. 738 - 74th Congress

Declaration of Policy

Section 1. It is hereby recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands, and impairing and obstructing navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare; that it is the sense of Congress that flood control on navigable waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political subdivisions, and localities thereof; that investigations and improvements of rivers and other waterways, including watersheds thereof, for flood-control purposes are in the interest of the general welfare; that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries, including watersheds thereof, for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected.

Section 2. That, hereafter, Federal investigations and improvements of rivers and other waterway for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress; and that in their reports upon examinations and surveys, the Secretary of War and the Secretary of Agriculture shall be guided as to flood-control measures



by the principles set forth in section 1 in the determination of the Federal interests involved: Provided, That the foregoing grants of authority shall not interfere with investigations and river improvements incident to reclamation projects that may now be in progress or may be hereafter undertaken by the Bureau of Reclamation of the Interior Department pursuant to any general or specific authorization of law.

Sec. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys for flood control at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and waterflow retardation and soil erosion prevention on the watersheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: Provided, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior Act or joint resolution shall be made: Provided further, That after the regular or formal reports made as hereby authorized on any examination, survey, project, or work under way or proposed are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law or by resolution of the Committee on Flood Control of the House of Representatives or the Committee on Commerce of the Senate: And provided further, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway mentioned in this Act until the project for the proposed work shall have been adopted by law:

(At this point numerous watersheds were enumerated.)

Sec. 8. Nothing in this Act shall be construed as repealing or amending any provision of the Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928, or any provision of any law amendatory thereof. The authority conferred by this Act and any funds appropriated pursuant thereto for expenditure are supplemental to all other authority and appropriations relating to the departments or agencies concerned, and nothing in this Act shall be construed to limit or retard any department or agency in carrying out similar and related activities heretofore or hereafter authorized, or to limit the exercise of powers conferred on any department or agency by other provisions of law in carrying out similar and related activities.

Sec. 9. The sum of \$310,000,000 is authorized to be appropriated for carrying out the improvements herein and the sum of \$10,000,000 is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in this Act and other Acts of Congress: Provided, That not more than \$50,000,000 of such sum shall be expended during the fiscal year ending June 30, 1937: Provided further, That for the relief of unemployment, in addition to the regular appropriation, persons may



be employed on such works of improvement and the compensation of said persons when so employed shall be paid from the funds available to the Works Progress Administration for the continuance of relief and work relief on useful projects.

Approved, June 22, 1936.

Flood Control Work Authorized on Santa Maria River,  
California

An Act to authorize a preliminary examination and survey of Santa Maria River with a view to the control of its floods. Public No. 82 - 75th Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of the Santa Maria River and its tributaries, in the State of California, and the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made for run-off and water flow retardation and soil erosion prevention on the watershed of the said river, with a view to the control of its floods, in accordance with the provisions of the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

Approved, May 14, 1937.

Amendment to Flood Control Act of  
June 22, 1936

To amend an Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936 - Public No. 406 - 75th Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, is hereby amended ..... as follows:





Sec. 3. That, in order to further the declaration of policy and principles declared in sections 1 and 2 of the Flood Control Act approved June 22, 1936, and to supplement the preliminary examinations and surveys which the Secretary of War has heretofore been authorized and directed to make of waterways with a view to the control of floods, the Secretary of Agriculture be, and he is hereby, authorized and directed to cause preliminary examinations and surveys to be made for run-off and water-flow retardation and soil-erosion prevention on the watersheds of said waterways, the costs thereof to be paid from appropriations heretofore or hereafter made for such purposes.

Sec. 4. That section 3 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, is hereby amended by adding the following subsection (d):

"As a condition to the extending of any benefits, in prosecuting measures for run-off and water-flow retardation and soil-erosion prevention authorized by Act of Congress pursuant to the policy declared in this Act, to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of such Acts, require--

"(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for run-off and water-flow retardation and soil-erosion prevention;

"(2) Agreements or covenants as to the permanent use of such lands; and

"(3) Contributions in money, services, materials, or otherwise to any operations conferring such benefits."

Sec. 5. That section 6 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, is hereby amended by adding to the list of localities at which preliminary examinations and surveys are authorized to be made the following names:

(At this point numerous watersheds were enumerated.)

Approved, August 23, 1937.





Flood Control Work Authorized on Rio Grande  
and Pecos Rivers

An Act to provide for preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of the Rio Grande and Pecos Rivers. Public No. 396 -- 75th Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds, including all tributaries, of the Rio Grande and Pecos Rivers, above the point of their confluence, in the same manner and to the same extent as is provided for those localities named in section 6 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; the cost thereof to be paid from appropriations heretofore or hereafter made for the purpose of carrying out the provisions of such section.

Approved, August 28, 1937.

Pertinent Provisions of the Flood Control Act  
of June 28, 1938

An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes. Public No. 761 - 75th Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, hereafter, Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress.

Sec. 5. That, in carrying out the purposes of this Act, the Secretary of War and the Secretary of Agriculture are hereby authorized to cooperate with institutions, organizations, and individuals, and to utilize the services of Federal, State, and other public agencies, and to pay by check to the cooperating public agency, either in advance or upon the furnishing or performance of said services, all or part of the



estimated or actual cost thereof; and to make expenditures for personal services and rent in the District of Columbia and elsewhere, for purchase of reference and law books and periodicals, for printing and binding, for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for official use, and for other necessary expenses.

Sec. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys for flood control including floods aggravated by or due to tidal effect at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: Provided, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior Act or joint resolution shall be made: Provided further, That after the regular or formal reports made as hereby authorized on any examination, survey, project, or work under way or proposed are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law or by resolution of the Committee on Flood Control of the House of Representatives or the Committee on Commerce of the Senate: And provided further, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway mentioned in this Act until the project for the proposed work shall have been adopted by law:

(At this point numerous watersheds were enumerated.)

Sec. 7. That in order to effectuate the policy declared in sections one and two of the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), and to correlate the program for the improvement of rivers and other waterways by the Department of War with the program for the improvement of watersheds by the Department of Agriculture, works of improvement for measures of run-off and water-flow retardation and soil-erosion prevention on the watersheds of waterways, for which works of improvement for the benefit of navigation and the control of destructive floodwaters and other provisions have been adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, are hereby authorized to be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture and in accordance with plans approved by him. For prosecuting said work and measures there is hereby authorized to be appropriated the sum of \$10,000,000 to be expended at the rate of \$2,000,000 per annum during the five-year period ending June 30, 1944: Provided, That such works and measures which are herein authorized to be prosecuted by the Department of Agriculture may be carried out on the watersheds of the Rio Grande and Pecos Rivers subject to the proviso in section 2 of the said Act of June 22, 1936.



shall be undertaken unless and until there have been allocated and irrevocably set aside sufficient funds for its completion shall not apply to flood-control projects authorized by such Flood Control Act, approved June 22, 1936: Provided, That \$500,000 of this appropriation shall be transferred and made available to the Secretary of Agriculture for preliminary examinations and surveys for run-off and waterflow retardation and soil-erosion prevention on the watersheds of flood-control projects authorized by law, including the employment of persons in the District of Columbia and elsewhere, purchase of books and periodicals, printing and binding, rent in the District of Columbia, the purchase (not to exceed \$30,000) of motor-propelled passenger-carrying vehicles and motorboats, and for other necessary expenses.

Approved, July 19, 1937.

Appropriation for Flood Control for Fiscal Year 1939

"War Department Civil Appropriation Act, 1939", Public 591 - 75th Congress

Flood Control

Flood control: For the construction of certain public works on rivers and harbors for flood control, and for other purposes, in accordance with the provisions of the Flood Control Act, approved June 22, 1936, as amended (49 Stat. 1570-1595; 50 Stat. 517-518, 876-881), and the Act of August 25, 1937 (50 Stat. 806), including printing and binding, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, the purchase (not to exceed \$33,250) of motor-propelled passenger-carrying vehicles and motorboats for official use, and not to exceed \$3,000,000 for preliminary examinations and surveys of flood-control projects authorized by law, \$82,000,000; Provided, That \$7,000,000 of this appropriation shall be transferred and made available to the Secretary of Agriculture, and of such sum not to exceed \$3,000,000 shall be available for preliminary examinations and surveys, as authorized by law, for run-off and waterflow retardation and soil-erosion prevention on the watersheds of flood-control projects, and not to exceed \$4,000,000 shall be available for the prosecution, under plans to be approved by the Secretary of Agriculture, of works of improvement for measures of run-off and waterflow retardation and soil erosion prevention upon the watersheds of waterways for which works of improvement for the benefit of navigation and the control of destructive flood waters and other provisions have been or hereafter may be adopted or authorized by law, including the employment of persons in the District of Columbia and elsewhere, purchase of books and periodicals, printing and binding, rent in the District of Columbia, the purchase (not to exceed \$75,000) of motor-propelled passenger-carrying vehicles and motorboats, and for other necessary expenses.

Approved, June 11, 1938.





Annotations Concerning the Flood Control Program

Funds appropriated for flood control are available until expended without limitation as to time. In Section 7 of Public No. 761 - 75th Congress, quoted above, it will be noted that the Department of Agriculture has been authorized to carry out its program of flood control work on all watersheds previously authorized for execution of a program by the War Department. It would be difficult to include in this direct of legislation a complete list of the waterways on which the War Department has been authorized to prosecute a flood control program. The Washington Office will be glad to answer inquiries as to whether or not particular watersheds are included in the authorized programs.

A list of the more important memoranda which have been issued concerning the Flood Control program follows:

Nov. 30, 1936

Secretary's memorandum for Chiefs of Bureaus.

Subject: Temporary arrangements for coordinating flood control activities.

Jan. 13, 1937

Committee memorandum to Field Representatives.

Subject: Public Hearings.

Feb. 23, 1937

Committee memorandum to Field Representatives.

Subject: Designation of field committees and assignment of watersheds to committees.

Feb. 23, 1937

Procedure for preliminary examinations under the Flood Control Act of June 22, 1936.

Feb. 25, 1937

Instructions for preparing preliminary examination reports.

Feb. 27, 1937

List of Field Consultants -- Department of Agriculture -- Flood Control Act.

August 12, 1937

SCS memorandum #528 to Regional Conservators.

April 1, 1938

Committee memorandum to field committees.

Subject: Revision of instructions for preparing preliminary examination reports on watersheds. Revised preliminary examination outline and new survey outline attached.





July 15, 1938

Committee memorandum.

Preliminary and tentative instructions to field committees relative to conduct of surveys and examinations.

Sept. 27, 1938

SCS memorandum #716.

Oct. 13, 1938

Dr. Patrick's memorandum with attached list of watersheds assigned for preliminary examination.

Oct. 19, 1938

Committee memorandum.

Subject: Aerial photographs for Flood Control Surveys.

Portinent Provisions of the  
Bankhead-Jones Farm Tenant Act  
Public 210 - 75th Congress

TITLE III - RETIREMENT OF SUBMARGINAL LAND

Program

Sec. 31. The Secretary is authorized and directed to develop a program of land conservation and land utilization, including the retirement of lands which are submarginal or not primarily suitable for cultivation, in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare.

Powers Under Land Program

Sec. 32. To effectuate the program provided for in section 31, the Secretary is authorized --

(a) To acquire by purchase, gift, or devise, or by transfer from any agency of the United States or from any State, Territory, or political subdivision, submarginal land and land not primarily suitable for cultivation, and interests in and options on such land. Such property may be acquired subject to any reservations, outstanding estates, interests, easements, or other encumbrances which the Secretary determines will not interfere with the utilization of such property for the purposes of this title.

(b) To protect, improve, develop, and administer any property so acquired and to construct such structures thereon as may be necessary to adapt it to its most beneficial use.



(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies.

(d) With respect to any land, or any interest therein, acquired by, or transferred to, the Secretary for the purposes of this title, to make dedications or grants, in his discretion, for any public purpose, and to grant licenses and easements upon such terms as he deems reasonable.

(e) To cooperate with Federal, State, Territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this title, and to disseminate information concerning these activities.

(f) To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of this title. Any violation of such rules and regulations shall be punished as prescribed in section 5338 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 18, sec. 104).

#### Payments to Counties

Sec. 33. As soon as practicable after the end of each calendar year, the Secretary shall pay to the county in which any land is held by the Secretary under this title, 25 per centum of the net revenues received by the Secretary from the use of the land during such year. In case the land is situated in more than one county, the amount to be paid shall be divided equitably among the respective counties. Payments to counties under this section shall be made on the condition that they are used for school or road purposes, or both. This section shall not be construed to apply to amounts received from the sale of land.

#### Appropriation

Sec. 34. To carry out the provisions of this title, there is authorized to be appropriated not to exceed \$10,000,000 for the fiscal year ending June 30, 1938, and not to exceed \$20,000,000 for each of the two fiscal years thereafter.



## TITLE IV - GENERAL PROVISIONS

## Administrative Powers of Secretary and Corporation

Sec. 41. For the purposes of this Act, the Secretary shall have power to--

(a) Appoint (without regard to the civil-service laws and regulations) and fix the compensation of such officers and employees as may be necessary. No person (except as to positions requiring technical training and experience for which no one possessing the requisite technical training and experience is available within the area) shall be appointed or transferred under this Act to any position in an office in a State or Territory the operations of which are confined to such State or Territory or a portion thereof, or in a regional office outside the District of Columbia the operations of which extend to more than one, or portions of more than one, State or Territory, unless such person has been an actual and bona-fide resident of the State or Territory, or region, as the case may be, in which such office is located, for a period of not less than one year next preceding the appointment or transfer to such position (disregarding periods of residence outside such State or Territory, or region, as the case may be, while in the Federal Government service). If the operations of the office are confined to a portion of a single State or Territory, the Secretary in making appointments or transfers to such office shall, except in the classes of cases exempted from the preceding sentence, appoint or transfer only persons who are residents of such portion of the State or Territory: Provided, That hereafter, wherever practicable, all appointments of persons to the Federal service for employment within the District of Columbia, under the provisions of this Act, whether such appointments be within the classified civil service or otherwise, shall be apportioned among the several States and the District of Columbia upon the basis of population as ascertained at the last preceding census.

(b) Accept and utilize voluntary and uncompensated services, and, with the consent of the agency concerned, utilize the officers, employees, equipment, and information of any agency of the Federal Government, or of any State, Territory, or political subdivision.

(c) Within the limits of appropriations made therefor, make necessary expenditures for personal services and rent at the seat of government and elsewhere; contract stenographic reporting services; purchase and exchange of supplies and equipment, law books, books of reference, directories, periodicals, newspapers, and press clippings; travel and subsistence expenses, including the expense of attendance at meetings and conferences; purchase, operation, and maintenance, at the seat of government and elsewhere, of motor-propelled passenger-carrying and other vehicles; printing and binding; and for such other facilities and services as he may from time to time find necessary for the proper administration of this Act.

(d) Make contracts for services and purchases of supplies without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5) when the aggregate amount involved is less than \$300.





(e) Make payments prior to audit and settlement by the General Accounting Office.

(f) Acquire land and interests therein without regard to section 355 of the Revised Statutes, as amended. This subsection shall not apply with respect to the acquisition of land or interests in land under title III.

(g) Compromise claims and obligations arising under, and adjust and modify the terms of mortgages, leases, contracts, and agreements entered into pursuant to, this Act, as circumstances may require.

(h) Collect all claims and obligations arising under this Act, or under any mortgage, lease, contract, or agreement entered into pursuant to this Act, and, if in his judgment necessary and advisable, to pursue the same to final collection in any court having jurisdiction: Provided, That the prosecution and defense of all litigation under this Act shall be conducted under the supervision of the Attorney General, and the legal representation shall be by the United States Attorneys for the districts, respectively, in which such litigation may arise, or by such other attorney or attorneys as may, under the law, be designated by the Attorney General.

(i) Make such rules and regulations as he deems necessary to carry out this Act.

#### Resettlement Projects

Sec. 43. The Secretary is authorized to continue to perform such of the functions vested in him pursuant to Executive Order Numbered 7350 of December 31, 1936, as amended by Executive Order Numbered 7557 of February 19, 1937, and pursuant to Public Act Numbered 845, approved June 29, 1936 (49 Stat. 2035), as shall be necessary only for the completion and administration of those resettlement projects, rural rehabilitation projects for resettlement purposes, and land development and land utilization projects, for which funds have been allotted by the President, and the balances of funds available to the Secretary for said purposes which are unexpended on June 30, 1937, are authorized to be appropriated to carry out said purposes: Provided, That any land held by the United States under the supervision of the Secretary pursuant to said Executive orders may where suitable be utilized for the purposes of title I of this Act, and the Secretary may sell said land and make loans for the necessary improvement thereof to such individuals and upon such terms as shall be in accordance with the provisions of said title.

#### General Provisions Applicable to Sale

Sec. 44. The sale or other disposition of any real property acquired by the Secretary pursuant to the provisions of this Act, or any interest therein, shall be subject to the reservation by the Secretary on behalf of the United States of not less than an undivided three-fourths of the interest of the United States in all coal, oil, gas, and other minerals in or under such property.





(e) Make payments prior to audit and settlement by the General Accounting Office.

(f) Acquire land and interests therein without regard to section 355 of the Revised Statutes, as amended. This subsection shall not apply with respect to the acquisition of land or interests in land under title III.

(g) Compromise claims and obligations arising under, and adjust and modify the terms of mortgages, leases, contracts, and agreements entered into pursuant to, this Act, as circumstances may require.

(h) Collect all claims and obligations arising under this Act, or under any mortgage, lease, contract, or agreement entered into pursuant to this Act, and, if in his judgment necessary and advisable, to pursue the same to final collection in any court having jurisdiction: Provided, That the prosecution and defense of all litigation under this Act shall be conducted under the supervision of the Attorney General, and the legal representation shall be by the United States Attorneys for the districts, respectively, in which such litigation may arise, or by such other attorney or attorneys as may, under the law, be designated by the Attorney General.

(i) Make such rules and regulations as he deems necessary to carry out this Act.

#### Resettlement Projects

Sec. 43. The Secretary is authorized to continue to perform such of the functions vested in him pursuant to Executive Order Numbered 7350 of December 31, 1936, as amended by Executive Order Numbered 7537 of February 19, 1937, and pursuant to Public Act Numbered 845, approved June 29, 1936 (49 Stat. 2035), as shall be necessary only for the completion and administration of those resettlement projects, rural rehabilitation projects for resettlement purposes, and land development and land utilization projects, for which funds have been allotted by the President, and the balances of funds available to the Secretary for said purposes which are unexpended on June 30, 1937, are authorized to be appropriated to carry out said purposes: Provided, That any land held by the United States under the supervision of the Secretary pursuant to said Executive orders may where suitable be utilized for the purposes of title I of this Act, and the Secretary may sell said land and make loans for the necessary improvement thereof to such individuals and upon such terms as shall be in accordance with the provisions of said title.

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### Transfer of Available Lands

Sec. 45. The President may at any time in his discretion transfer to the Secretary or the Corporation any right, interest, or title held by the United States, and under the supervision of the Secretary, in any land which the President shall find suitable for the purposes of this Act, and the Secretary or the Corporation, as the case may be, may use and dispose of such land in such manner, and subject to such terms and conditions, as the President determines will best carry out the objectives of this Act.

### Transactions With Corporations

Sec. 46. Nothing in this Act shall be construed to authorize the making of any loan, or the sale or other disposition of real property or any interest therein, to any private corporation, for farming purposes.

### Surveys and Research

Sec. 47. The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this Act, and may publish and disseminate information pertinent to the various aspects of his activities.

### Taxation

Sec. 50. (a) All property which is being utilized to carry out the purposes of title I or title II of this Act (other than property used solely for administrative purposes) shall, notwithstanding that legal title to such property remains in the Secretary or the Corporation, be subject to taxation by the State, Territory, District, dependency, and political subdivision concerned, in the same manner and to the same extent as other similar property is taxed.

(b) All property to which subsection (a) of this section is inapplicable which is held by the Secretary or the Corporation pursuant to this Act shall be exempt from all taxation now hereafter imposed by the United States or any State, Territory, District, dependency, or political subdivision, but nothing in this subsection shall be construed as affecting the authority or duty of the Secretary under any other law to make payments in respect of any such property in lieu of taxes.



### Fees and Commissions Prohibited

Sec. 53. No Federal officer, attorney, or employee shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business under this Act other than such salary, fee, or other compensation as he may receive as such officer, attorney, or employee. No member of a county committee established under section 42 shall knowingly make or join in making any certification prohibited by section 2 (c). Any person violating any provision of this section shall, upon conviction thereof, be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

### Extension of Territories

Sec. 54. The provisions of this Act shall extend to the Territories of Alaska and Hawaii and to Puerto Rico. In the case of Alaska and Puerto Rico the term "county" as used in this Act shall be deemed synonymous with the Territory, or any subdivision thereof as may be designated by the Secretary, and payments under section 33 of this Act shall be made to the Governor of the Territory or to the fiscal agent of such subdivision.

### Separability

Sec. 55. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Approved, July 22, 1937.

### Appropriation for Title III of the Bankhead - Jones Farm Tenant Act for 1938 Fiscal Year

Third Deficiency Appropriation Act, fiscal year 1937, Public 354 -

75th Congress

### TITLE I - GENERAL APPROPRIATIONS

#### LEGISLATIVE

#### DEPARTMENT OF AGRICULTURE

#### The Bankhead-Jones Farm Tenant Act

To enable the Secretary of Agriculture to carry out the provisions of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937, \$10,000,000



as authorized by title I of such Act relating to farm tenancy, and \$10,000,000 as authorized by title III of such Act relating to the development of a program of land conservation and land utilization including the retirement of submarginal lands; in all, fiscal year 1938, \$20,000,000.

Annotations Concerning the  
Bankhead-Jones Farm Tenant Act

Information will be disseminated in the regular SCS series of Field Memoranda concerning the administration of the work which the Soil Conservation Service has been authorized to administer under the Bankhead-Jones Act.

The only memorandum in this series pertaining to this Act issued prior to October 31, 1938 is Field Memorandum SCS #720, concerning the detail of Mr. E. J. Utz, in Charge of the Land Acquisition and Development Division.

SOIL CONSERVATION SERVICE ACT OF APRIL 27, 1935

An Act to provide for the protection of land resources against soil erosion, and for other purposes, Public No. 46 - 74th Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is hereby authorized, from time to time--

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;





(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this Act; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this Act.

Sec. 2. The acts authorized in section 1 (1) and (2) may be performed--

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands.

Sec. 3. As a condition to the extending of any benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this Act, require--

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of soil erosion;

(2) Agreements or covenants as to the permanent use of such lands; and

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits.

Sec. 4. For the purposes of this Act, the Secretary of Agriculture may--

(1) Secure the cooperation of any governmental agency;

(2) Subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from the date of this enactment, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering those provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion without regard to the civil-service laws or regulations and the Classification Act, as amended; and any persons with technical or practical knowledge may be employed and compensated under this Act on a basis to be determined by the Civil Service Commission; and

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation, and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this Act.

Sec. 5. The Secretary of Agriculture shall establish an agency to be known as the "Soil Conservation Service", to exercise the powers conferred on him by this Act and may utilize the organization heretofore established for the purpose of administering those provisions of sections



202 and 203 of the National Industrial Recovery Act which relate to the prevention of soil erosion, together with such personnel thereof as the Secretary of Agriculture may determine, and all unexpended balances of funds heretofore allotted to said organization shall be available until June 30, 1937, and the Secretary of Agriculture shall assume all obligations incurred by said organization prior to transfer to the Department of Agriculture. Funds provided in H. J. Res. 117, "An Act making appropriation for relief purposes" (for soil erosion) shall be available for expenditure under the provisions of this Act; and in order that there may be proper coordination of erosion-control activities the Secretary of Agriculture may transfer to the agency created under this Act such functions, funds, personnel, and property of other agencies in the Department of Agriculture as he may from time to time determine.

Sec. 6. There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

Approved, April 27, 1935.

#### WATER FACILITIES ACT OF AUGUST 28, 1937

An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes, Public 396 - 75th Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby recognized that the wastage and inadequate utilization of water resources on farm, grazing, and forest lands in the arid and semiarid areas of the United States resulting from inadequate facilities for water storage and utilization contribute to the destruction of natural resources, injuries to public health and public lands, droughts, periodic floods, crop failures, decline in standards of living, and excessive dependence upon public relief, and thereby menace the national welfare. It is therefore hereby declared to be the policy of Congress to assist in providing facilities for water storage and utilization in the arid and semiarid areas of the United States.

Sec. 2. In order to effectuate this policy and promote proper land use in the said areas, the Secretary of Agriculture is hereby authorized, from time to time--

(1) To formulate and keep current a program of projects for the construction and maintenance in the said areas of ponds, reservoirs, wells, check-dams, pumping installations, and other facilities for water storage or utilization, together with appurtenances to such facilities. The facilities to be included within such program shall be located where



they will promote the proper utilization of lands and no such facilities shall be located where they will encourage the cultivation of lands which are submarginal and which should be devoted to other uses in the public interest;

(2) To construct and to sell or lease, with or without a money consideration, under such terms and conditions as will advance the purposes of this Act, the facilities mentioned in section 2 (1) and included within the program there provided for, including the lands upon which such facilities are located if they have been acquired or reserved for the purposes of this Act;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary for the purposes of this Act; and

(4) To obtain options upon and to acquire lands, or rights or interests therein, or rights to the use of water, by purchase, lease, gift, exchange, condemnation, or otherwise, only when necessary for the purposes of this Act.

Sec. 3. The facilities included in the program provided for in section 2 (1) may be located--

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands upon obtaining proper consent or the necessary rights or interests in such lands.

Sec. 4. As a condition to extending benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this Act, require--

(1) The enactment of State and local laws providing for soil conserving land uses and practices, and the storage, conservation and equitable utilization of waters;

(2) Agreements or covenants in regard to the maintenance and permanent use of such water, facilities, or lands benefited by such facilities;

(3) Contributions in money, services, materials, or otherwise to any operations conferring such benefits.

Sec. 5. The Secretary of Agriculture, in administering the provisions of this Act, shall utilize the officers, employees, and facilities of agencies within the Department of Agriculture whose functions are related to the program provided for in this Act, and may allot to such agencies or transfer to such other agencies of the Federal Government as he may request to assist in carrying out any of the provisions of this Act, any funds available for the purposes of this Act.

Sec. 6. For the purposes of this Act, the Secretary of Agriculture may--

(1) Secure the cooperation of any governmental agency;





(2) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, exchange, operation, and maintenance of passenger-carrying vehicles, for supplies and equipment, for traveling expenses and for other administrative expenses; and

(3) Perform such acts, and prescribe such rules and regulations as he may deem proper to carry out the provisions of this Act.

Sec. 7. There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

Approved, August 28, 1937.

#### Annotations Concerning the Water Facilities Program

The Water Facilities Program applies only to the 17 western States. It, therefore, does not involve Regions 1, 2, 3, and 5.

For the purpose of keeping the appropriate departmental personnel currently informed on matters pertaining to the Water Facilities Program, the Water Facilities Board will issue two types of memoranda as follows:

1. Water Facilities Board general memoranda consisting of information of concern or general interest to all participating departmental agencies throughout the 17 western States.
2. Water Facilities Board State memoranda containing information of concern or interest only to the departmental personnel connected with the program in particular States.

Up to October 11, 1938, there have been six WFB General Memoranda issued. The first memorandum of this series dated October 11, 1938, designated the numbers of the memoranda from 2 to 6 which had been issued prior to that date without numbers. They are as follows:

(a) WFB General Memorandum No. 2. "Memorandum for the Secretary. Re: Administration of the Water Facilities Program of the Department of Agriculture, Fiscal Year 1939", dated July 1, 1938.

(b) WFB General Memorandum No. 3. "Water Facilities Program of the United States Department of Agriculture for the Fiscal Year 1939." A brief six-page statement for use in answering inquiries from the public concerning the Water Facilities Program. (Issued by Office of Information, Washington, D. C.)





(c) WFB General Memorandum No. 4. "Farm Planning Procedure for Water Facilities in Areas Approved for Water Facilities Operations", dated September 1, 1938. (Issued jointly by the Farm Security Administration and the Soil Conservation Service.)

(d) WFB General Memorandum No. 5. "Information to be Included in Preliminary Proposals for Preparing Plans Under the Water Facilities Program", dated September 2, 1938. (Issued by Office of Land Use Coordination.)

(e) WFB General Memorandum No. 6. "Field Personnel of the Bureau of Agricultural Economics, Soil Conservation Service and Farm Security Administration Engaged in the Administration of the Water Facilities Program", dated September 9, 1938. (Issued by Office of Land Use Coordination.)

In addition to the \$500,000 appropriated in the Departmental Appropriation Act of 1939 for the Water Facilities Program (as set forth in this digest) funds have been allotted from the Emergency Relief Appropriation Act of 1938 for use in the fiscal year 1939. These funds were appropriated under Title I of that Act for use by the Farm Security Administration, but were subsequently allotted for use in the Water Facilities Program.

1939 Appropriations for SCS, Water Facilities and  
Title III of Bankhead-Jones Farm Tenant Act

Department of Agriculture Appropriation Act, 1939, Public No. 644 -

75th Congress

SOIL CONSERVATION SERVICE

Salaries and Expenses

To carry out the provisions of an Act entitled "An Act to provide for the protection of land resources against soil erosion and for other purposes", approved April 27, 1935 (16 U. S. C. 590a-590f), which provides for a national program of erosion control and soil and moisture conservation to be carried out directly and in cooperation with other agencies; including the employment of persons and means in the District of Columbia and elsewhere, purchase of books and periodicals, maintenance, repair, and operation of one passenger-carrying automobile in the District of Columbia, furnishing of subsistence to employees, training of employees, and the purchase and erection of permanent buildings: Provided, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed \$2,500 except where buildings are acquired in conjunction with



land being purchased for other purposes and except for six buildings to be constructed at a cost not to exceed \$15,000 per building: Provided further, That no money appropriated in this Act shall be available for the construction of any such building on land not owned by the Government: Provided further, That during the fiscal year 1939 the appropriations for the work of the Soil Conservation Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Soil Conservation Service and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling), to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment: Provided further, That reproductions of such aerial or other photographs, mosaics, and maps as shall be required in connection with the authorized work of the Soil Conservation Service may be furnished at the cost of reproduction to Federal, State, county, or municipal agencies requesting such reproductions, the money received from such sales to be deposited in the Treasury to the credit of this appropriation; as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief of the Soil Conservation Service and other personal services in the District of Columbia, \$552,050: Provided, That no part of the money appropriated in this paragraph shall be available for expenditure if any emergency or other appropriations are made available for administrative expenses in administering the funds provided in regular appropriations to the Soil Conservation Service.

Soil and moisture conservation and land-use investigations: For research and investigations into the character, cause, extent, history, and effects of erosion and soil and moisture depletion and methods for soil and moisture conservation, including construction, operation, and maintenance of experimental watersheds, stations, laboratories, plots, and installations, \$1,510,601.

Soil and moisture conservation operations, demonstrations, and information: For carrying out preventive measures to conserve soil and moisture, including such special measures as may be necessary to prevent floods and the siltation of reservoirs, the establishment and operation of erosion nurseries, the making of conservation plans and surveys, and the dissemination of information, \$21,432,349.

Total, Soil Conservation Service, \$23,525,000, of which not to exceed \$1,734,636 may be expended for personal services in the District of Columbia, and not to exceed \$100,000 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.



## FARM TENANT ACT

## Land Utilization and Retirement of Submarginal Land

To enable the Secretary of Agriculture to carry out the provisions of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1010-1013), including the employment of persons and means in the District of Columbia and elsewhere, as authorized by said Act, \$5,000,000, and the amount appropriated for this purpose for the fiscal year 1938 (Third Deficiency Appropriation Act, fiscal year 1937), remaining unobligated on June 30, 1938, shall continue available to June 30, 1939.

## WATER FACILITIES, ARID AND SEMIARID AREAS

To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937 (16 U. S. C. 590r-590x), including the employment of persons and means in the District of Columbia and elsewhere; printing and binding; the purchase, exchange, operation, and maintenance of passenger-carrying vehicles; and rent in the District of Columbia and elsewhere, \$500,000, of which not to exceed \$25,000 may be expended in the District of Columbia: Provided, That not to exceed \$50,000 of this appropriation shall be available for expenditure for any one project designed in whole or in part to benefit lands by the irrigation thereof and all project facilities and appurtenances which depend for their utility in whole or in part upon each other or upon any common facility shall be deemed one project, and the authority contained in said Act shall not be deemed to authorize the construction of any project not in accord with this limitation.

Approved, June 16, 1938.

Leah  
Soil Conservation Service  
U. S. Department of Agriculture  
Washington, D. C.

